

## REMARKS

Claims 1-147 were previously cancelled without prejudice to or disclaimer of the underlying subject matter. Claims 151-157 were previously added. Claim 148 is currently amended. Support for this amendment can be found throughout the specification and claims as originally filed, for example at page 21, line 19 to page 22, line 2. No new matter enters by way of this amendment. With this Response, claims 148-157 are pending.

### **I. Examiner's Response to Arguments**

In discussing Applicants' argument made in the previous response to office action, the Examiner contends that "the features upon which applicant relies (i.e., the playback was only enabled after a predetermined time after its receipt) are not recited in the rejected claim(s)." Office Action page 2. To facilitate prosecution of the application, Applicants have amended independent claim 148 to include the phrase "wherein said playback is only enabled after a predetermined time after said recovery."

### **II. Rejection under 35 U.S.C. § 102(e), Anticipation**

Claims 148-150 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Hunter *et al.* (US 2002/0056118) (hereinafter "Hunter").

As a preliminary matter, Applicants do not admit that Hunter is prior art. To facilitate prosecution, however, Applicants have amended independent claim 148 pursuant to the Examiner's statement noted above. In light of this amendment, Applicants believe that the Examiner's specific arguments regarding Hunter are moot.

## CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims, and to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-6567 should any additional information be necessary for allowance.

Respectfully submitted,



Leslie L. Jacobs, Jr. (Reg. No. 40,659)  
Danielle M. Edwards (Reg. No. 51,645)

Date: September 21, 2007

ARNOLD & PORTER LLP  
555 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
(202) 942-5000 telephone  
(202) 942-5999 facsimile